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Attorneys for Defendants, Sea Bright Borough Police Department and Brett Friedman

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
(Trenton Vicinage)**

MARILYN JACCARD,

Plaintiff,

Vs.

BANK OF AMERICA, SEA BRIGHT
BOROUGH POLICE DEPARTMENT,
BRETT FRIEDMAN, in his individual
Capacity, MARC LECKSTEIN, SEA
BRIGHT CONDOMINIUM
ASSOCIATION, INC., SEA BRIGHT
CONDOMINIUM HOMEOWNER'S
ASSOCIATION, McGOVERN LEGAL
SERVICES, LLC, FRANCIS J.
McGOVERN, MICHAEL POLULAK,
JENNIFER HILL, and REZKOM
ENTERPRISES, INC.,

Defendants.

Case No. 3:14-cv-07535-AET-DEA

Civil Action

**ANSWER, SEPARATE DEFENSES,
CROSSCLAIMS, ANSWER TO
CROSSCLAIMS, and DEMAND
FOR TRIAL BY JURY ON BEHALF
OF DEFENDANTS SEA BRIGHT
BOROUGH POLICE DEPARTMENT
and BRETT FRIEDMAN**

Defendants, by way of Answer to the Complaint, allege and state as follows:

PRELIMINARY STATEMENT

1. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 1 and leave plaintiff to her proofs.

JURISDICTION and VENUE

2. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 2 and leave plaintiff to her proofs.

3. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 3 and leave plaintiff to her proofs.

4. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 4 and leave plaintiff to her proofs.

5. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 5 and leave plaintiff to her proofs.

6. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 6 and leave plaintiff to her proofs.

PARTIES

7. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 7 and leave plaintiff to her proofs.

8. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 8 and leave plaintiff to her proofs.

9. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 9 and leave plaintiff to her proofs.

10. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 10 and leave plaintiff to her proofs.

11. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 11 and leave plaintiff to her proofs.

12. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 12 and leave plaintiff to her proofs.

13. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 13 and leave plaintiff to her proofs.

14. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 14 and leave plaintiff to her proofs.

15. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 15 and leave plaintiff to her proofs.

16. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 16 and leave plaintiff to her proofs.

17. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 17 and leave plaintiff to her proofs.

18. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 18 and leave plaintiff to her proofs.

19. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 19 and leave plaintiff to her proofs.

20. Defendants admit Sea Bright Borough Police Department is located in Sea Bright, New Jersey, and deny the balance of the allegations contained in paragraph 20.

21. Defendants admit Lieutenant Friedman is with the Sea Bright Police Department and deny the balance of the allegations contained in paragraph 21.

22. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 22 and leave plaintiff to her proofs.

23. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 23 and leave plaintiff to her proofs.

24. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 24 and leave plaintiff to her proofs.

25. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 25 and leave plaintiff to her proofs.

26. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 26 and leave plaintiff to her proofs.

FACTUAL ALLEGATIONS

27. Defendants repeat each and every answer to the allegations contained above and make the same a part hereof as if set forth at length herein.

28. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 28 and leave plaintiff to her proofs.

29. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 29 and leave plaintiff to her proofs.

30. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 30 and leave plaintiff to her proofs.

31. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 31 and leave plaintiff to her proofs.

32. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 32 and leave plaintiff to her proofs.

33. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 33 and leave plaintiff to her proofs.

34. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 34 and leave plaintiff to her proofs.

35. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 35 and leave plaintiff to her proofs.

36. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 36 and leave plaintiff to her proofs.

37. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 37 and leave plaintiff to her proofs.

38. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 38 and leave plaintiff to her proofs.

39. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 39 and leave plaintiff to her proofs.

40. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 40 and leave plaintiff to her proofs.

41. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 41 and leave plaintiff to her proofs.

42. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 42 and leave plaintiff to her proofs.

43. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 43 and leave plaintiff to her proofs.

44. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 44 and leave plaintiff to her proofs.

45. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 45 and leave plaintiff to her proofs.

46. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 46 and leave plaintiff to her proofs.

47. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 47 and leave plaintiff to her proofs.

48. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 48 and leave plaintiff to her proofs.

49. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 49 and leave plaintiff to her proofs.

50. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 50 and leave plaintiff to her proofs.

51. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 51 and leave plaintiff to her proofs.

52. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 52 and leave plaintiff to her proofs.

53. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 53 and leave plaintiff to her proofs.

54. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 54 and leave plaintiff to her proofs.

55. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 55 and leave plaintiff to her proofs.

56. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 56 and leave plaintiff to her proofs.

57. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 57 and leave plaintiff to her proofs.

58. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 58 and leave plaintiff to her proofs.

59. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 59 and leave plaintiff to her proofs.

60. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 60 and leave plaintiff to her proofs.

61. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 61 and leave plaintiff to her proofs.

62. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 62 and leave plaintiff to her proofs.

63. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 63 and leave plaintiff to her proofs.

64. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 64 and leave plaintiff to her proofs.

65. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 65 and leave plaintiff to her proofs.

66. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 66 and leave plaintiff to her proofs.

67. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 67 and leave plaintiff to her proofs.

68. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 68 and leave plaintiff to her proofs.

69. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 69 and leave plaintiff to her proofs.

70. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 70 and leave plaintiff to her proofs.

71. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 71 and leave plaintiff to her proofs.

72. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 72 and leave plaintiff to her proofs.

73. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 73 and leave plaintiff to her proofs.

74. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 74 and leave plaintiff to her proofs.

75. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 75 and leave plaintiff to her proofs.

76. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 76 and leave plaintiff to her proofs.

77. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 77 and leave plaintiff to her proofs.

78. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 78 and leave plaintiff to her proofs.

79. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 79 and leave plaintiff to her proofs.

80. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 80 and leave plaintiff to her proofs.

81. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 81 and leave plaintiff to her proofs.

82. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 82 and leave plaintiff to her proofs.

83. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 83 and leave plaintiff to her proofs.

84. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 84 and leave plaintiff to her proofs.

85. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 85 and leave plaintiff to her proofs.

86. Defendants deny the allegations in paragraph 86.

87. Defendants deny the allegations in paragraph 87.

88. This paragraph is legal argument to which no response is required. To the extent that any response is required, Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 88 and leave plaintiff to her proofs.

89. This paragraph is legal argument to which no response is required. To the extent that any response is required, Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 89 and leave plaintiff to her proofs.

90. Defendants deny the allegations contained in paragraph 90.

91. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 91 and leave plaintiff to her proofs.

92. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 92 and leave plaintiff to her proofs.

93. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 93 and leave plaintiff to her proofs.

94. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 94 and leave plaintiff to her proofs.

95. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 95 and leave plaintiff to her proofs.

96. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 96 and leave plaintiff to her proofs.

97. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 97 and leave plaintiff to her proofs.

98. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 98 and leave plaintiff to her proofs.

99. Defendants deny the allegations contained in paragraph 99.

100. Defendants admit the complaints were transferred and deny the balance of the allegations contained in paragraph 100.

101. Defendants deny the allegations contained in paragraph 101.

102. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 102 and leave plaintiff to her proofs.

103. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 103 and leave plaintiff to her proofs.

104. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 104 and leave plaintiff to her proofs.

105. Defendants deny any fraudulent conduct and lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in paragraph 105 and leave plaintiff to her proofs.

106. Defendants deny the allegations contained in paragraph 106.

107. Defendants deny the allegations contained in paragraph 107.

108. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 108 and leave plaintiff to her proofs.

109. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 109 and leave plaintiff to her proofs.

110. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 110 and leave plaintiff to her proofs.

111. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 111 and leave plaintiff to her proofs.

112. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 112 and leave plaintiff to her proofs.

113. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 113 and leave plaintiff to her proofs.

114. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 114 and leave plaintiff to her proofs.

115. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 115 and leave plaintiff to her proofs.

FIRST CLAIM FOR RELIEF

**42 U.S.C.A. Sec. 1983 – CONSPIRACY IN VIOLATION OF FOURTH AMENDMENT,
FIFTH AMENDMENT AND FOURTEENTH AMENDMENT RIGHTS BY
DEFENDANTS**

116. Defendants repeat each and every answer to the allegations contained above and make the same a part hereof as if set forth at length herein.

117. Defendants deny the allegations contained in paragraph 117.

118. Defendants deny the allegations contained in paragraph 118.

119. Defendants deny the allegations contained in paragraph 119.

120. Defendants deny the allegations contained in paragraph 120.

121. Defendants admit the allegations contained in paragraph 121.

122. Defendants admit they had a duty not to commit abuses of process and deny that any such abuses were committed.

123. Defendants deny the allegations contained in paragraph 123.

WHEREFORE, Defendants demand judgment dismissing Plaintiff's Complaint with prejudice and for costs of suit.

SECOND CLAIM FOR RELIEF

FAIR DEBT COLLECTION PRACTICES ACT

124. Defendants repeat each and every answer to the allegations contained above and make the same a part hereof as if set forth at length herein.

125. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 125 and leave plaintiff to her proofs.

126. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 126 and leave plaintiff to her proofs.

127. The allegations contained in paragraph 127 are not directed towards these defendants, and therefore, these defendants make no answer.

128. The allegations contained in paragraph 128 are not directed towards these defendants, and therefore, these defendants make no answer.

129. The allegations contained in paragraph 129 are not directed towards these defendants, and therefore, these defendants make no answer.

WHEREFORE, Defendants demand judgment dismissing Plaintiff's Complaint with prejudice and for costs of suit.

THIRD CLAIM FOR RELIEF

RICO

130. Defendants repeat each and every answer to the allegations contained above and make the same a part hereof as if set forth at length herein.

131. Defendants deny the allegations contained in paragraph 131.

132. Defendants deny the allegations contained in paragraph 132.

133. Defendants deny the allegations contained in paragraph 133.

134. Defendants deny the allegations contained in paragraph 134.

135. Defendants deny the allegations contained in paragraph 135.

136. Defendants deny the allegations contained in paragraph 136.

137. Defendants deny the allegations contained in paragraph 137.

138. Defendants deny the allegations contained in paragraph 138.

139. Defendants admit the allegations contained in paragraph 139.

140. Defendants deny the allegations contained in paragraph 140.

141. Defendants deny the allegations contained in paragraph 141.

142. Defendants deny the allegations contained in paragraph 142.

143. Defendants deny the allegations contained in paragraph 143.

144. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 144 and leave plaintiff to her proofs.

145. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 145 and leave plaintiff to her proofs.

146. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 146 and leave plaintiff to her proofs.

147. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 147 and leave plaintiff to her proofs.

148. Defendants deny the allegations contained in paragraph 148.

149. Defendants deny the allegations contained in paragraph 149.

150. Defendants deny the allegations contained in paragraph 150.

151. Defendants deny the allegations contained in paragraph 151.

152. Defendants deny the allegations contained in paragraph 152.

153. Defendants deny the allegations contained in paragraph 153.

154. Defendants deny the allegations contained in paragraph 154.

155. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 155 and leave plaintiff to her proofs.

156. Defendants deny the allegations contained in paragraph 156.

157. Defendants deny the allegations contained in paragraph 157.

158. Defendants deny the allegations contained in paragraph 158.

159. Defendants deny the allegations contained in paragraph 159.

160. Defendants deny the allegations contained in paragraph 160.

161. Defendants deny the allegations contained in paragraph 161.

162. Defendants deny the allegations contained in paragraph 162.

163. Defendants deny the allegations contained in paragraph 163.

164. Defendants deny the allegations contained in paragraph 164.

165. Defendants deny the allegations contained in paragraph 165.

166. Defendants deny the allegations contained in paragraph 166.

WHEREFORE, Defendants demand judgment dismissing Plaintiff's Complaint with prejudice and for costs of suit.

FOURTH CLAIM FOR RELIEF

42 U.S.C.A. Sec. 1983 – VIOLATION OF DUE PROCESS AND EQUAL PROTECTION

167. Defendants repeat each and every answer to the allegations contained above and make the same a part hereof as if set forth at length herein.

168. Defendants deny the allegations contained in paragraph 168.

169. Defendants deny the allegations contained in paragraph 169.

170. Defendants deny the allegations contained in paragraph 170.

171. Defendants deny the allegations contained in paragraph 171.

172. Defendants deny the allegations contained in paragraph 172.

173. Defendants deny the allegations contained in paragraph 173.

WHEREFORE, Defendants demand judgment dismissing Plaintiff's Complaint with prejudice and for costs of suit.

FIFTH CLAIM FOR RELIEF

42 U.S.C.A. Sec. 1983 – RETALIATION FOR PROTECTED ACTIVITY

174. Defendants repeat each and every answer to the allegations contained above and make the same a part hereof as if set forth at length herein.

175. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 175 and leave plaintiff to her proofs.

176. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 176 and leave plaintiff to her proofs.

177. Defendants deny the allegations contained in paragraph 177.

178. Defendants deny the allegations contained in paragraph 178.

179. Defendants deny the allegations contained in paragraph 179.

180. Defendants deny the allegations contained in paragraph 180.

181. Defendants deny the allegations contained in paragraph 181.

182. Defendants deny the allegations contained in paragraph 182.

183. Defendants deny the allegations contained in paragraph 183.

WHEREFORE, Defendants demand judgment dismissing Plaintiff's Complaint with prejudice and for costs of suit.

SIXTH CLAIM FOR RELIEF

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

184. Defendants repeat each and every answer to the allegations contained above and make the same a part hereof as if set forth at length herein.

185. Defendants deny the allegations contained in paragraph 185.

186. Defendants deny the allegations contained in paragraph 186.

WHEREFORE, Defendants demand judgment dismissing Plaintiff's Complaint with prejudice and for costs of suit.

SEVENTH CLAIM FOR RELIEF

COMMON LAW FRAUD

187. Defendants repeat each and every answer to the allegations contained above and make the same a part hereof as if set forth at length herein.

188. Defendants deny the allegations contained in paragraph 188.

189. Defendants deny the allegations contained in paragraph 189.

190. Defendants deny the allegations contained in paragraph 190.

191. Defendants deny the allegations contained in paragraph 191.

WHEREFORE, Defendants demand judgment dismissing Plaintiff's Complaint with prejudice and for costs of suit.

EIGHTH CLAIM FOR RELIEF

CONVERSION

192. Defendants repeat each and every answer to the allegations contained above and make the same a part hereof as if set forth at length herein.

193. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 193 and leave plaintiff to her proofs.

194. Defendants deny the allegations contained in paragraph 194.

195. Defendants deny the allegations contained in paragraph 195.

196. Defendants deny the allegations contained in paragraph 196.

WHEREFORE, Defendants demand judgment dismissing Plaintiff's Complaint with prejudice and for costs of suit.

NINTH CLAIM FOR RELIEF

42 U.S.C.A. Sec. 1983 – MALICIOUS PROSECUTION

197. Defendants repeat each and every answer to the allegations contained above and make the same a part hereof as if set forth at length herein.

198. Defendants admit the allegations contained in paragraph 198.

199. Defendants deny the allegations contained in paragraph 199.

200. Defendants deny the allegations contained in paragraph 200.

201. Defendants admit the allegations contained in paragraph 201.

202. Defendants deny the allegations contained in paragraph 202.

203. Defendants deny the allegations contained in paragraph 203.

204. Defendants deny the allegations contained in paragraph 204.

WHEREFORE, Defendants demand judgment dismissing Plaintiff's Complaint with prejudice and for costs of suit.

DAMAGES CLAIMS AS AGAINST ALL DEFENDANTS

PUNITIVE DAMAGES

1. Defendants repeat each and every answer to the allegations contained above and make the same a part hereof as if set forth at length herein.
2. Defendants deny the allegations contained in paragraph 2.
3. Defendants deny the allegations contained in paragraph 3.
4. Defendants deny the allegations contained in paragraph 4.
5. Defendants deny the allegations contained in paragraph 5.
6. Defendants deny the allegations contained in paragraph 6.
7. Defendants deny the allegations contained in paragraph 7.

ATTORNEY'S FEES

8. Defendants repeat each and every answer to the allegations contained above and make the same a part hereof as if set forth at length herein.
9. Defendants deny the allegations contained in paragraph 9.

DAMAGES

10. Defendants repeat each and every answer to the allegations contained above and make the same a part hereof as if set forth at length herein.
11. Defendants deny the allegations contained in paragraph 11.
12. Defendants deny the allegations contained in paragraph 12.

SEPARATE DEFENSES

1. Defendants deny negligence.
2. Plaintiff was negligent.
3. Plaintiff's complaint fails to state a cause of action upon which relief may be granted.
4. The incident and injuries alleged were caused or contributed to by the negligence of others over whom these defendants have no control and for whom defendants have no legal liability.
5. The incident and injuries alleged were caused or contributed to by the negligence of others over whom these defendants have no control and for whom these defendants have no legal liability.
6. While denying any negligence for the incident and injuries alleged, should the negligence of plaintiff be found to be not greater than that of these defendants, these defendants demand plaintiff's damages be diminished by this percentage of negligence attributable to plaintiff, pursuant to the Comparative Negligence Act, N.J.S.A. 2A:15-5.1 et seq.
7. Pursuant to Federal Rules of Civil Procedure 12, the cause of action as stated is frivolous and these defendants will seek those sanctions allowed by law.
8. While denying any negligence, defendants assert that the damages sustained by the plaintiff in this matter were caused directly by the actions of the plaintiff. To that extent there should be an assessment of liability against the plaintiff in this matter against which defendants would seek a reduction of any damages assessed against her pursuant to N.J.S.A. 2A:15-5.1 et seq.

9. Plaintiff's claim for punitive damages is violative of the United States Constitution as applied to the States and is therefore barred.

10. Defendants deny the existence of or breach of any duty and further deny the existence of or breach of any contractual obligation, express or implied.

11. These defendants are guilty of no intentional misconduct which proximately caused any injury to plaintiff.

12. Plaintiff's claims are barred by laches.

13. Plaintiff's claims are barred by estoppel.

14. Plaintiff's claims are barred by the Doctrine of Unclean Hands.

15. Defendants assert the applicability of the provisions of N.J.S.A. 59:2-1, et seq. as to the immunities available to the public entity and/or public employee.

16. Defendants assert the applicability of the provisions of N.J.S.A. 59:3-1, et seq. as to the immunities available to public employees.

17. Defendants assert the applicability of the provisions of N.J.S.A. 59:4-1, et seq. as to the immunities available to public entities based on the condition of public property.

18. Defendants assert the applicability of the provisions of N.J.S.A. 59:5-1, et seq. as to the immunities available for police activities.

19. Defendants assert the applicability of the provisions of N.J.S.A. 59:8-1, et seq. regarding compliance with the requirements to file a claim against public entities.

20. Defendants assert the applicability of the provisions of N.J.S.A. 59:9-1, et seq. concerning the conditions of suit and judgment.

21. Any injury occurring to plaintiff was the direct and proximate result of the plaintiff's own conduct.

22. These defendants, if involved at all, acted within the scope of their authority and in good faith in the performance of their duties.

23. These defendants, if involved at all, acted reasonably and properly under the circumstances.

24. No malicious intent of causing a deprivation of plaintiff's civil rights and/or constitutional rights has been factually set out against these defendants.

25. Plaintiff has failed to show approval or acquiescence of defendants of the action as alleged.

26. Defendants were carrying out their duties as officials and employees of the Borough of Sea Bright, and are entitled to qualified immunity under the statutes.

27. These defendants deny the allegations of improper conduct as set forth in plaintiff's Complaint; however, the alleged misconduct does not rise to the level of a constitutional violation.

28. These defendants acted in good faith and without malicious intent to deprive plaintiff of constitutional rights.

29. The municipal defendants are immune from plaintiff's claim for punitive damages.

30. The answering defendants had no knowledge of the actions by co-defendants.

31. The actions and/or inactions of the answering defendants do not rise to the level of deliberate indifference to the plaintiff's constitutional rights.

32. The answering defendants did not have in place any constitutionally depriving policies or customs.

33. This suit is barred by the Statute of Limitations, N.J.S.A. 2A:14-1, et seq.

34. This Court lacks jurisdiction over the subject matter of this litigation.

35. Defendants are not persons as required by the statutes, and plaintiff has failed to allege that the alleged injury was the result of actions taken under color of official policy, custom, or usage of defendants.

36. Plaintiff's claims are barred by the doctrine of waiver.

37. Plaintiff's claims are barred by the doctrine of assumption of risk.

38. Defendants reserve the right to raise additional defenses as may be deemed appropriate through discovery.

CROSSCLAIM FOR CONTRIBUTION

Defendants Sea Bright Borough Police Department and Brett Friedman, demand contribution from the co-defendants in accordance with the Joint Tortfeasors Contribution Law, N.J.S.A. 2A:53A-1, et seq.

CROSSCLAIM FOR INDEMNIFICATION

While not admitting liability herein, if it is determined that these Defendants were guilty of negligence, such negligence was vicarious, passive and secondary and that it was the negligence of the co-defendants which was active, primary and the proximate cause of plaintiff's damages; and defendants herein demand indemnification against said co-defendants for the amount of any judgment as against defendants herein and costs.

ANSWER TO CROSSCLAIMS

Defendants Sea Bright Borough Police Department and Brett Friedman, by way of Answer to any and all Crossclaims which may be exhibited against them, say:

1. Defendants Sea Bright Borough Police Department and Brett Friedman deny the allegations of any Crossclaim that Crossclaimants are entitled to the relief sought.

WHEREFORE, Defendants Sea Bright Borough Police Department and Brett Friedman demand judgment dismissing any Crossclaims, plus costs.

DEMAND FOR JURY TRIAL

Demand is hereby made for a trial by jury as to all issues.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Federal Rule of Civil Procedure 38(b), Charles J. Uliano, Esquire is hereby designated as Trial Counsel for defendants in the above-captioned matter.

CHAMLIN, ROSEN, ULIANO & WITHERINGTON
Attorneys for Defendants, Sea Bright Borough Police
Department and Brett Friedman

By: /s/ Charles J. Uliano
CHARLES J. ULIANO
ID# CU8870